

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

Claims 1, 6, 7, 10, 11, 13 18 and 19 have been amended, as set forth herein.

I. **CONSIDERATION OF PREVIOUSLY SUBMITTED INFORMATION DISCLOSURE STATEMENTS (IDS)**

Applicant notes that the present office action did not include initialed PTO-1449 forms for IDSs previously submitted on (1) January 21, 2003 (4 references); (2) May 30, 2003 (3 references); (3) June 20, 2003 (1 reference); (4) August 27, 2003 (8 references); and (5) November 26, 2003 (1 reference). Applicant respectfully requests that the Examiner include the initialed forms for these previously submitted IDSs. And, in the event the Examiner has not yet considered these references, Applicant respectfully requests the Examiner consider these references.

III. **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-20 were rejected under 35 U.S.C. § 103 as being unpatentable over Shrader (US 5,864,666) in view of Johnson, et al. (US 5,987,135). The rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re*

Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

The Office Action concedes that Shrader fails to teach an “extranet switch”, but argues that Shrader teaches real-time communications through a firewall. Applicant has amended independent

claims to replace the terms “computers” and “computer” with “extranet switches” and “extranet switch”, respectively. As such, Shrader fails to disclose, teach or suggest monitoring or managing the virtual private network attributes of one or more extranet switches.

The Office Action further concedes that Shrader fails to teach “transmitting a script for requesting information,” but argues that Johnson teaches this element, and therefore, the claimed invention is obvious. See, Office Action, page 3.

Johnson discloses a central processing system that controls and monitors remote distributed processing systems. Agent-application (application) programs are downloaded to a remote host processing system to run the application. See, Figure 1A; Col. 3-4. There is no teaching or suggestion in Johnson to transmit a script command to an extranet switch requesting virtual private network attribute(s) of the extranet switch and its operational functions.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 1-20. Neither Shrader or Johnson, either alone or in combination, disclose, teach or suggest Applicant’s claimed invention.

Claim 12 has not been amended in this response. Neither Shrader or Johnson, alone or in combination, disclose teach or suggest (1) transmitting a script for requesting information describing at least one virtual private network attribute from a selected one of at least one extranet switch (which provides at least one virtual private network function) wherein the script includes a script command; (2) providing a menu identifying at least one report capable of preparation; (3) receiving a selection identifying at least one report; (4) preparing the selected report including the received

information of the selected extranet switch; and (5) displaying the prepared report to a user.

Applicant respectfully submits that neither Shrader or Johnson disclose, teach or suggest these elements/features (or combination of elements/features thereof).

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 1-20.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

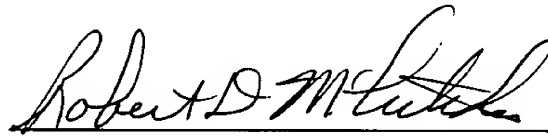
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 7/15/2004



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